

**To:** Christenson, Kara[Christenson.Kara@epa.gov]; Sims, Mark[Sims.Mark@epa.gov]; Salazar, Matt[Salazar.Matt@epa.gov]; McDaniel, Doug[McDaniel.Doug@epa.gov]; Schofield, John[Schofield.John@epa.gov]  
**From:** Jones, Joel E.  
**Sent:** Thur 9/4/2014 11:56:28 PM  
**Subject:** RE: Exide - Video Conference on Thursday, September 4th with RA and Congressman Xavier Becerra and Congresswoman Lucille Roybal-Allard

Hi All, the video-conference with Congressionals was primarily (almost entirely) focused on RCRA permit & corrective action issues. Tom H has a couple of follow up action items re oversight concerns. Both Members feel strongly that the facility should not be allowed to reopen.

- Joel

**From:** Christenson, Kara  
**Sent:** Wednesday, August 27, 2014 2:26 PM  
**To:** Jones, Joel E.; Sims, Mark; Salazar, Matt; McDaniel, Doug; Schofield, John  
**Subject:** RE: Exide - Video Conference on Thursday, September 4th with RA and Congressman Xavier Becerra and Congresswoman Lucille Roybal-Allard

Hi – here are some updates and edits. I added a few updates. I hope this is helpful; let me know if you need something more.

*This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (415) 972-3881.*

Kara Christenson

Senior Counsel

U.S. EPA Region 9

75 Hawthorne Street, 16th Floor

San Francisco, CA 94105

phone: 415 972-3881 / fax: 415 947-3570

[christenson.kara@epa.gov](mailto:christenson.kara@epa.gov)

**From:** Jones, Joel E.

**Sent:** Wednesday, August 27, 2014 11:06 AM

**To:** Christenson, Kara; Sims, Mark; Salazar, Matt; McDaniel, Doug; Schofield, John

**Subject:** FW: Exide - Video Conference on Thursday, September 4th with RA and Congressman Xavier Becerra and Congresswoman Lucille Roybal-Allard

**Importance:** High

Hi All

Please review/edit the briefing summary below re Exide and send revision to me this week. The summary below was prepared for the Administrator's visit and doesn't include our RCRA C inspection.

Jared is scheduled to meet with Cong. Becerra and Roybal-Allard on Sept 4<sup>th</sup> to discuss EPA's role in addressing community concerns about excessive lead emissions.

I'll forward final draft of Enforcement 1-pager to Steven to combine with Land and SFund summaries.

Let me know if you have any questions.

- Joel

Exide Technologies Lead Battery Recycling Facility – Vernon, CA

## **6/5/14 Deliberative - Attorney/Client Privileged**

### **Background/Status:**

- On May 22, 2014 EPA issued a Notice of Violation to Exide Technologies for excessive lead emissions from its lead smelting facility. EPA's investigation, prompted by community concerns as well as ongoing investigations by state and local agencies, found that Exide violated federally enforceable lead emissions standards on more than 30 occasions since September 2013.
  - Under California's SIP (South Coast Air Quality Management District (SCAQMD) Rule 1420.1), large lead-acid battery recycling facilities are prohibited from emitting lead into the air that exceeds  $0.15\mu\text{g}/\text{m}^3$  (micrograms per meter cubed) over any period of 30 consecutive days. Any violation of the SIP is a violation of the federal Clean Air Act.
  - Exide Technologies is a battery recycling facility located at 2700 South Indiana Avenue in Vernon and has been in operation since 1922. Exide recovers lead from recycled automotive batteries and other lead-bearing scrap materials and recycles 23,000 to 41,000 batteries daily. The City of Vernon is an industrial city of 5.2 square miles; the Exide facility is located approximately .6 miles from residential areas.
- California's Department of Toxic Substances Control (DTSC) and SCAQMD have aggressively pursued all compliance and enforcement options to limit or reduce harmful emissions at Exide, and we're working closely with each agency to ensure all federally-enforceable rules and requirements are met.

### **SCAQMD Actions:**

- In January 2014, SCAQMD amended existing Rule 1420.1 (which already imposes strict controls for lead emissions) to require Exide and its competitor, Quemetco, to meet strict emission limits for arsenic, benzene and 1,3-butadiene.
- SCAQMD has pursued several enforcement actions against Exide, including requesting an order of abatement from the SCAQMD Hearing Board which would require Exide to shutter its facility until appropriate emission controls are in place. A final decision by the SCAQMD Hearing Board on the order of abatement is expected in June 2014.

### **Next Steps (Deliberative - Attorney/Client Privileged)**

- Exide responded to the Notice of Violation by requesting a meeting to discuss compliance options.
- EPA plans to issue an Information Request (CAA§114) to determine whether the Exide Facility is in compliance with other provisions of SCAQMD Rule 1420.1, as well as

NESHAP Subpart X, and other requirements of the federal Clean Air Act.

### **Key Points**

- The community and local elected officials remain concerned with the potential harmful effects of excessive lead emissions from the Exide facility, and we're reaching out to several community leaders to improve public awareness of EPA's role in addressing these public health concerns.
- EPA and SCAQMD are working closely with state and local agencies to ensure Exide complies with all environmental rules and regulations.

**From:** Johnson, Kathleen

**Sent:** Wednesday, August 27, 2014 10:20 AM

**To:** Huetteman, Tom; Scott, Jeff; Manzanilla, Enrique; Salyer, Kathleen; Jones, Joel E.; Miller, Amy; Reyes, Deldi; LEONIDO-JOHN, STEVEN; Green, Jay-M

**Subject:** FW: Exide - Video Conference on Thursday, September 4th with RA and Congressman Xavier Becerra and Congresswoman Lucille Roybal-Allard

**Importance:** High

Team,

I briefed Jared on Exide last week with the bottom line being that we all have stepped up oversight on this case – and are not currently planning additional activities other than what we are currently involved in. I have been describing it in terms of 3 buckets – and each of us has the lead for a different bucket. I suggest we put together a one-pager for Jared to use. Steven, if you don't mind, can we all send our segments to you to put together?

Permits – Land Division

Enforcement – ENF - ongoing air investigation; recent RCRA inspection; ongoing criminal investigation

Off-site Cleanup – Superfund/Land

Joel, can you take the lead for ENF. And Jay, can you feed us any language you are comfortable for Jared to use with the Congressionals?

Thanks.

Kathleen H. Johnson

Director, Enforcement Division

U.S. EPA - Region 9

75 Hawthorne Street ENF-1

San Francisco, CA 94015

415/972-3873

[johnson.kathleen@epa.gov](mailto:johnson.kathleen@epa.gov)

**From:** Maier, Brent

**Sent:** Wednesday, August 27, 2014 8:05 AM

**To:** LEONIDO-JOHN, STEVEN; Gaudario, Abigail; Johnson, Kathleen; Jones, Joel E.; Scott, Jeff; Huetteman, Tom; Salyer, Kathleen; Minor, Dustin; Sugerman, Rebecca; Gross, Barbara; Reyes, Deldi; Blumenfeld, Jared; Strauss, Alexis

**Cc:** Keener, Bill; Zito, Kelly; Mogharabi, Nahal; Skadowski, Suzanne; Levine, Carolyn

**Subject:** Exide - Video Conference on Thursday, September 4th with RA and Congressman Xavier Becerra and Congresswoman Lucille Roybal-Allard

**Importance:** High

All –

Please note an upcoming “video-conference” meeting request with Jared and

Congressman Xavier Becerra and Congresswoman Lucille Roybal-Allard who would visit the Southern California Field Office to tie into a video-conference from the Regional Office with Jared to discuss Exide on **Thursday, September 4<sup>th</sup> at 1:00pm**. I will confirm this meeting request with Abi and the Congressional offices once I get the "green-light" from the Front Office. Abi had previously provided me with Jared's availability and his schedule on Thursday, September 4<sup>th</sup> will allow his participation in this video-conference meeting on that date.

I will provide Steven Leonido-John as a point of contact in the Southern California Field Office as requested in the attached note. Stay tuned for a final confirmation.

**Rep. Xavier Becerra** - <http://becerra.house.gov/#dialog>

**Rep. Lucille Roybal-Allard** - <http://roybal-allard.house.gov/>

I have attached a Congressional profile for both Rep. Xavier Becerra and Rep. Lucille Roybal-Allard created by our summer intern, Jairo Villanueva, which contains information about each of these Members that you may find helpful and of interest. Please let me know if you have any questions or need any additional information.

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

**From:** Nielsen, Michael [<mailto:Michael.Nielsen@mail.house.gov>]

**Sent:** Tuesday, August 26, 2014 4:48 PM

**To:** Maier, Brent  
**Cc:** Gaudario, Abigail  
**Subject:** RE: Exide - Contact with EPA Region IX

Brent,

Per our conversation – both Congressman Becerra and Congresswoman Roybal-Allard can do video conference on Thursday (9/4) at 1:00 pm, at EPA's Los Angeles Field Office. Can we confirm this time for the meeting? If yes - is there a point of contact at the Los Angeles office?

Thanks,

Michael Nielsen

Office of Congressman Becerra

213-481-1425

**From:** Maier, Brent [<mailto:Maier.Brent@epa.gov>]  
**Sent:** Monday, August 25, 2014 2:25 PM  
**To:** Nielsen, Michael  
**Cc:** Gaudario, Abigail  
**Subject:** Exide - Contact with EPA Region IX

Michael Nielsen

Office of Congressman Xavier Becerra

Ph: 213.481.1425

Michael –

I left you a voicemail and was only able to leave a return voicemail following your contact earlier today with our Front Office regarding interest in setting up a teleconference call to discuss Exide. I wanted to make sure I understood the request and to find out if this call would be at a staff level or with Congressman Becerra and Congresswoman Roybal-Allard. Please give me a call at your earliest opportunity so I have a clear understanding of the request you were making. I understand from the message I received that you would like to schedule on Thursday, September 4<sup>th</sup>.

I look forward to hearing back from you.

Regards,

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256